

CHAPTER 1

INTRODUCTION

This document consists of a land resource management plan amendment (RMPA) and an environmental impact statement (EIS) analyzing the effects of proposed management actions and alternatives for the Planning Area in southeastern New Mexico on public land and mineral estate managed by the Carlsbad and Roswell Field Offices (see Map 1-1). The EIS has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969 (40 CFR 1500).

PURPOSE AND NEED FOR THE PLAN

The primary purpose of this EIS is to analyze proposals to amend existing land use plans and to consider specific management prescriptions for special status species on public land. Bureau of Land Management (BLM) plans to be amended are the 1988 Carlsbad Resource Management Plan (RMP), including its 1997 Amendment for Oil and Gas, and the 1997 Roswell RMP.

Amending these plans is necessary to respond to changing resource conditions and new issues in the context of habitat management for special status species on public land in the Planning Area administered by the Field Offices. This RMPA is designed to set forth conditions and prescriptions that would protect and enhance lesser prairie chicken and sand dune lizard habitats while allowing other uses within the Planning Area to continue.

Federal statutes charge BLM to manage public land and resources based on the principle of multiple-use. While the driving force for change is the need to change management prescriptions in the context of special status species habitat, other uses of public land and resources come into play.

Therefore, in addition to analyzing the impacts of changing the prescriptions for managing special species habitat, this EIS will also analyze the impacts of designating interstate utility corridors in the Planning Area, oil and gas leasing, the subsequent development of those oil and gas leases through the reclamation phase, livestock grazing, and off-highway vehicle (OHV) use designations.

The EIS will present an array of alternatives that provide habitat protection while allowing the continued production of oil and gas from public resources. Wildlife habitat and Federal minerals are often in conflict and such is the case in southeast New Mexico. Two special status species (see explanation below) are on the brink of being listed as threatened or endangered under the Endangered Species Act (ESA). At the same time, petroleum exploration and development has a history in the area of over 50 years and is an important component of domestic energy production.

Special status species include all State and Federally-listed threatened and endangered species and other species given special attention by agencies. The latter includes species designated as sensitive by BLM in New Mexico, candidate and species of concern by the US Fish and Wildlife Service (USFWS), and species of concern by the New Mexico Department of Game and Fish (NMDGF). In particular, this EIS will analyze the impacts of amending plans and management prescriptions concerning habitat for the lesser prairie chicken (*Tympanuchus pallidicinctus*) and the sand dune lizard (*Sceloporus arenicolus*).

USFWS first determined the sand dune lizard was warranted for listing as a threatened or endangered species in 1982, but was precluded from listing by other

priorities. The status of the sand dune lizard is reviewed annually by USFWS in a candidate notice of review (CNOR). In 1995, USFWS received a petition to list the lesser prairie chicken as a threatened or endangered species. USFWS did not make a determination regarding the petition until 1997. At that time, USFWS determined the lesser prairie chicken was warranted for listing as a threatened or endangered species, but precluded from listing due to other priorities. The status of the bird is reviewed annually in a CNOR.

Habitat for these species can be affected by existing authorized activities on public land including Federal minerals lease development, livestock grazing, and recreation, particularly OHV use. Whether singular or in combination, these existing uses of public land can result in habitat fragmentation, surface disturbance, and disruption of the life cycle of special status species. To protect habitat, existing activities and the manner in which BLM authorizes these activities need to be modified. The need for modification must be tempered by recognition that some activities are integrated into the local economy. This EIS will analyze modifications to existing uses and the way BLM authorizes these uses on public land. These modifications are designed to protect special status species habitat and sustain the local economy.

Given the complex relationship among species and their habitats, the increasing numbers of species listed over the past several years, and the pressure of more listings, it is logical and prudent to broaden the scope of the plan to an ecosystem or landscape level. An ecosystem approach, such as the Planning Area, offers the best opportunity to arrest the decline of biodiversity and eliminate or minimize the need for further listings.

Hand-in-hand with the ecosystem approach is the need for agencies to coordinate planning and management actions. While

species and habitats cross the regulatory responsibilities of many agencies, historically agencies have not coordinated land management on a strategic or landscape basis. Despite the efforts of all parties, there has been little assurance that biodiversity will stabilize, trends will reverse and the species will persist. Therefore, one of the fundamental needs of this planning effort is to work on a cooperative basis. Cooperating agencies include the New Mexico State Land Office, the New Mexico Department of Agriculture, the New Mexico Department of Game and Fish, Chaves County, Eddy County and Lea County. Several non-governmental interests have been involved as well.

This RMPA would change the management decisions and land use allocations of the current BLM land use plans in a portion of southeast New Mexico. This plan amendment, like all plans, will be evaluated every 5 years, and based on the evaluation, revised or updated as needed. The actual effective life of this RMPA is dependent on several factors. Factors within the scope of the RMPA include habitat needs for wildlife species, data reliability, and assumptions about the future. Factors outside the RMPA include the age and viability of the existing plans, future revisions of those plans, and planning efforts to keep these plans current with emerging issue and concerns.

The EIS analyzes six alternatives: No Action – Current Management and Alternatives A through E. After public review and comment on this document, a Final EIS will be prepared for the Proposed RMPA and alternatives in order to comply with NEPA. NEPA requires Federal agencies to prepare statements documenting environmental consequences of Federal actions significantly affecting the human environment. Amending the Carlsbad and Roswell RMPs regarding special status species qualifies as a significant action and thus requires the preparation of an EIS.

PLANNING AREA

The Planning Area amounts to about 2 percent of New Mexico and is located in the

southeastern part of the State (Map 1-1). The Planning Area comprises 1,852,946 acres of private, Federal and State trust lands (see Table 1-1).

TABLE 1-1 LAND OWNERSHIP IN THE PLANNING AREA		
Ownership	Acres	Percent of Planning Area
Public Land (managed by BLM)	847,491	45.7
Department of Energy	10,244	0.7
State Trust Land	309,129	16.6
Private Land	686,082	37.0
TOTAL PLANNING AREA	1,852,946	100.0
FEDERAL MINERAL ESTATE		
Surface & Subsurface Ownership	Acres	
BLM-Managed Surface & Subsurface	847,491	
Other Surface Owners, Federal Minerals	297,832	
TOTAL	1,145,323	
Source: Pecos District Office Files, 2006.		

This RMPA and the decisions it contains apply only to public land and Federal minerals. This amendment is not a habitat conservation plan (HCP) covering private land. Private land may be indirectly affected, however, through nexus with Federal land and from land acquisition/disposal initiatives. Conversely, over a multi-year period, some land uses proposed for private land adjacent to public land could have significant effects on public land and may reduce the effectiveness of public land management.

SCOPING

Four formal scoping meetings were held. Although the general public was invited to the scoping meetings, attendees were affiliated with either the livestock industry or the petroleum industry. Five information stations (Livestock Grazing, Oil & Gas Development, off-highway vehicle (OHV) use, Planning Process, and Wildlife & Special Status Species) were set up at every meeting and comments captured by BLM staff on flip charts. A total of 37

individuals attended the four meetings with some individuals attending more than one meeting. Dates and locations of these meetings are found in Table 1-2.

The formal scoping meetings produced concerns about the effects of the RMPA on ranch operations (utilization levels, seasonal grazing for either entire ranches or individual pastures). Questions about brush control were voiced at every meeting.

General concerns about the adequacy of any BLM analysis of economic impacts were expressed. At the time of the scoping meeting there was no information provided about the reason for these concerns.

Several speakers mentioned the maximization of resource production; however, it was unclear if the speakers were talking about maximum production of one resource or a balance between resources for maximum total production. There also seemed to be a general sentiment to continue existing management in the Carlsbad Field Office `portion of the

Planning Area since some speakers had the perception “there are no birds there.”

BLM received a total of 10 letters, comment forms and e-mail during the scoping period, 5 of which were concerned with OHV use. A few comments captured at the public meetings were repeated in the written comments. The comments regarding OHV use were from those people who were concerned with the elimination of the Mescalero Sands North Dune OHV Area and advocated the proposed 900-acre expansion of the area as proposed in the 1997 Roswell RMP. The OHV comments urged BLM to inventory for lesser prairie

chicken and sand dune lizard as well as conducting an inventory for possible additional OHV areas within the Planning Area.

Two comments dealt with BLM’s relationship with the US Fish and Wildlife Service (USFWS). One comment expressed concern the USFWS is unaware of current projects and management practices in southeast New Mexico. The second comment advocated formal agreements between BLM and USFWS as a measure to reduce the risk of listing species as threatened or endangered.

TABLE 1-2 PUBLIC SCOPING MEETING ATTENDANCE		
MEETING DATE	MEETING LOCATION	NUMBER IN ATTENDANCE*
January 11, 2005	Student Union, Eastern New Mexico University, Portales, NM	2
January 13, 2005	Roswell Field Office, Roswell, NM	15
January 18, 2005	Pecos Village Conference Center, Carlsbad, NM	19
January 20, 2005	Hobbs Public Library, Hobbs, NM	9
ECONOMIC PROFILE SYSTEM WORKSHOPS		
February 9, 2005	Roswell Convention & Civic Center, Roswell, NM	8
February 10, 2005	Pecos Village Conference Center, Carlsbad, NM	17
SOURCE: Pecos District Office Planning Files, 2006 NOTE: *Members of the public, not BLM staff.		

The Economic Profile System (EPS), developed by the Sonoran Institute for BLM, serves as the baseline of the social and economic condition of the Planning Area. BLM hosted two workshops as part of the scoping process to learn how EPS works and to gather input from the public. A total of 42 people (BLM staff and members of the public) attended the workshops. At the end of the workshops, three questions were asked:

- What are the area’s most significant economic assets?

- What is your vision of economic success for the area?
- How can public lands assist with this vision of success?

Responses to these questions, particularly the last, echoed many of the comments previously received. Livestock grazing and petroleum development on public land are important to the economy of southeast New Mexico yet the share of total employment and personal income generated by these industries has declined over the past 30 years. Services of all types have generated the most new jobs in the area during the

same time period. Surprisingly, sources of non-labor income (dividends, interest, rent, annuities) are the largest category (37 percent) for personal income.

NATIVE AMERICAN CONSULTATION

During the scoping period, BLM contacted the Ysleta del Sur Pueblo, the Mescalero Apache Tribe, the Apache Tribe of Oklahoma, the Comanche Tribe and the Kiowa Tribe, asking if there were any management plans approved or adopted by the tribes that this RMPA/EIS would affect. These contacts were made between November 2004 and March 2005 via mail and telephone.

Comments, oral or written, received by BLM become part of the public record for the Special Status Species RMPA. As such, these comments are available for public review at the Pecos District Office.

ISSUES

Based on the results of the scoping meetings, the following planning issues were developed:

Issue - How should Lesser Prairie Chicken and Sand Dune Lizard habitats be managed to ensure the survival of the two species?

How should other public land uses such as oil and gas development, livestock grazing, off-highway vehicles be managed to protect the habitats?

What areas should be declared open, closed, or open with stipulations for Oil & Gas exploration and developments?

Issue - What areas should be designated open, closed, or limited to OHVs and how should these areas be managed?

PLANNING CRITERIA/LEGISLATIVE CONSTRAINTS

Planning criteria are the rules and other factors used to form judgments about data collection, analysis, and decision making during planning. Planning criteria for the RMPA include all applicable Federal laws, regulations, executive orders, policies, and applicable portions of existing land use plans, which the cooperating agencies are required to follow. For this RMPA, the planning criteria are:

A. Actions must comply with laws, regulations, executive orders, and BLM Manuals (i.e., supplemental program guidance).

B. Actions must be reasonable and achievable and allow for flexibility where appropriate (i.e. adaptive management).

C. In accordance with BLM Washington Office Instruction Memorandum 2003-169, the Economic Profile System (EPS) will be used as a source of demographic and economic data for the planning process. EPS will provide a foundation of current social and economic conditions in the Planning Area. Following this, as planning alternatives are developed, a social and economic analysis and environmental justice assessment will be conducted to determine the effect that each will have on users and the diverse population in the Planning Area. The analysis will consider the short- and long-term social and economic benefits associated with possible alternatives. Other important factors to be considered will be the needs and long-term plans of local city, county, and tribal governments. Short-term consequences will be weighed

against long-term benefits as necessary. The impacts on both the general population and affected sub-groups within the Planning Area will be determined.

D. Actions will be considered in an interdisciplinary approach.

E. The Roswell/Carlsbad RMPA planning team will work cooperatively with county and municipal governments, other Federal, State and local agencies, and interested groups and individuals. A process of collaborative public involvement and participation will be carried out throughout this process.

F. The amendment will change or modify the guidance upon which the Field Offices will manage public land within the Planning Area.

G. The planning process will include an EIS that complies with NEPA standards.

H. The amendment will cause the protection and enhancement of the biodiversity within the Planning Area, while allowing the public the opportunity for access to public land in a productive and meaningful way.

I. The amendment will recognize valid existing rights related to the use of public land. The RMPA will define the process that BLM will use to address applications or notices filed after the completion of the RMPA for land use authorizations.

J. The RMPA process will allow involvement of Native American tribal governments, and will provide strategies for protection of cultural resources and traditional cultural properties on public land.

K. Decisions in the RMPA will strive to be compatible with existing plans and policies of adjacent local, State, and

Federal governments and agencies, as long as the decisions are in conformance with BLM management policies.

L. This plan amendment, like all plans, will be evaluated every 5 years, and based on the evaluation, revised or updated as needed. For analysis purposes, the short-term is defined as any time period less than 10 years, and the long-term is defined as any time period longer than 10 years.

RELATIONSHIP TO BLM POLICIES, PLANS, AND PROGRAMS

The RMPA is intended to provide broad management direction and to work in concert with any existing activity plans such as the Strategy for OHV Use, New Mexico Road Policy, and New Mexico Standards for Public Land Health and Guidelines for Livestock Grazing Management. Site-specific projects may require additional public participation and NEPA processes.

Since the Roswell RMP and the Carlsbad RMPA were completed in 1997, New Mexico Standards for Public Land Health and Guidelines for Livestock Grazing Management were approved. Also, the New Mexico BLM State Office completed the statewide Fire and Fuels Management Plan Amendment and EA. Both statewide plans amended all New Mexico BLM RMPs or RMPAs.

The 2005 National Wind Energy Development Programmatic EIS evaluated the potential impacts associated with the proposed action to develop a Wind Energy Development Program, including the adoption of policies and best management practices (BMPs). This Programmatic EIS amends BLM land use plans (including the Carlsbad and the Roswell RMPs) to address wind energy development.

In order to comply with Section 368 of the Energy Policy Act of 2005, the Pecos District would designate utility corridors for major interstate projects. The Pecos District has participated in the development of the West-wide Energy Corridor Programmatic EIS. Corridors analyzed in this EIS include those that will be analyzed in the programmatic EIS.

PLANNING PROCESS

The planning process for this EIS began in November 2004 and has followed these steps:

- Public scoping
- Alternative formulation
- Impact analysis
- Selection of Preferred Alternative
- Draft RMPA/EIS

Still to come are the following steps:

- Proposed RMPA/Final EIS
- Approved RMPA/Record of Decision
- Implement, Monitor and Evaluate Results

The public has had formal and informal methods of participation in the development of the Draft RMPA/EIS and will have more opportunities during the 90-day comment period to participate as the planning process moves forward.

The Proposed RMPA/Final EIS is scheduled to be released in March 2007 after which would begin a 30-day protest period. Evaluation, resolution and responses to protests and concerns would occur in April and May 2007. Approval of the RMPA and the Record of Decision would occur in August 2007. Copies of the Approved RMPA and the signed Record of Decision would be available in August 2007.